

Appl. No. 09/381,828

Art Unit 1743

March 30, 2004

Reply to Office Action of December 3, 2003

REMARKS

Applicants wish to confirm that the present application qualifies for Small Entity status. The Transmittal Form submitted with the Reply Under 37 C.F.R. § 1.116 on March 3, 2004, erroneously indicated "Large Entity".

Further, the chart summarizing how each and every one of the cited references is deficient in disclosing all claimed features, which was included in the Reply of March 3, 2004, at page 4, (of 33), contained a typographical error. Specifically, the asterisks in the "Bader" column should have been in the "Laughlin" column, and the asterisk in the "Cuhna" column should have been in the "Bader" column.

Accordingly, please refer to the following corrected chart.

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Characteristics of the Invention As CLAIMED		COMPARATIVE CHART						
No.	Feature	CLAIM 1 of Appl. No. 09/381,828	Franchini	Laughlin	Bader	Cunha	Baxter, Rodriguez, Li, or Saxberg	Reno
1	Automated	Yes	No	No	No	Yes	No	Yes
2	Numerical measurement of property as a function of concentration and temperature	Yes	Yes	No*	No	No	No	No
3	Concentration is changed according to computerized control program and	Yes	No	No	No	No	No	Yes
4	calculated from the program by a computer	Yes	No	No	No	No	No	Yes
5	Temperature is changed by a temperature control program and	Yes	No	No	No	No	No	No
6	temperature is calculated from the program or by measurements	Yes	No	No	No	No	No	No
7	Concentration is changed by addition directly into the measuring cell according to the control program for concentration	Yes	No	No**	No***,****	No	No	No
8	Measurements of the dependent property within the temperature range for each concentration level	Yes	Yes	No	No	No	No	No
9	Values of the property are combined with the independent variables by the computer	Yes	No	No	No	No	No	No
10	and the measuring points in the computer are coordinated and visualized in a 3-dimensional diagram	Yes	No	No	No	No	No	No
11	Determination of concentration from the control program	Yes	No	No	No	No	No	Yes

* no numerical measurements

** no change by control program

**** only additions to the sample for each determination of concentration

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Conclusion

A full and complete response has been made to all issues as cited in the Office Action in Applicant's response of March 3, 2004. Also, Applicant respectfully submits that the supplied chart is evidence that all rejections have been overcome.

Applicant has taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicant respectfully requests that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, **or in an effort to advance prosecution**, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

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